

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Todd A. Repass,	)	Case No. 0:24-cv-05445-DCC
	)	
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Warden Graham,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the Court for review of the petition filed pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On October 17, 2024, the Magistrate Judge directed Petitioner to file certain documents to bring this case into proper form. ECF No. 7. Petitioner has not responded to the order. On December 13, 2024, the Magistrate Judge issued a Report recommending that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with an order of the Court. ECF No. 11. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Petitioner has not filed objections and the time to do so has lapsed.

### **APPLICABLE LAW AND ANALYSIS**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

### **CONCLUSION**

Upon consideration of the Report, the record, and the applicable law, the Court finds no clear error and adopts the recommendation of the Magistrate Judge. This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b), without issuance and service of process, and without leave to amend.<sup>1</sup>

IT IS SO ORDERED.

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<sup>1</sup> As a part of the proper form order, the Magistrate Judge instructed Petitioner to either pay the filing fee or to move to proceed without prepayment of costs. She notes in the Report that there is a motion to proceed in forma pauperis on the docket; however, it is a cover letter and not a proper motion. Accordingly, the Court finds the pending motion [2] moot.

s/ Donald C. Coggins, Jr.  
United States District Judge

April 10, 2025  
Spartanburg, South Carolina